



DECISION MEMO

Nat Brown Fencing



USDA Forest Service, Northern Region
Nez Perce-Clearwater National Forests
Palouse Ranger District
Latah County, Idaho

I. Decision

I have decided to approve the Nat Brown Fencing project on National Forest System lands on the Palouse Ranger District in Township 41 North, Range 1 West, Section 7 (Boise Meridian).

Nat Brown Meadow is small and narrow with Nat Brown Creek running through the meadow. Part of the stream and meadow was fenced in 2013 (see attached map). Bounded on all sides by hills, the area forms a natural corridor for animal movement. Keeping livestock from grazing the meadow, including a usually wet part of the floodplain, past the time when utilization and streambank alteration indicators have been met or exceeded is nearly impossible. The permittee has attempted to keep livestock out of the meadow at these times (herding, salting, protein supplements, etc.) and nothing has worked consistently. There are no livestock distribution or utilization concerns on the rest of the allotment, which consists mostly of transitory range.

The project will have multiple benefits: (1) eliminate or vastly reduce impacts to the streambank and channel, allowing for improved riparian function over time; (2) reserve more forage within the enclosure and increase browse species for wildlife; and (3) reduced grazing pressure within the enclosures would allow native plants to compete more effectively with noxious weeds.

Project Design / Equipment: The Forest Service will extend the existing Nat Brown enclosure fence by approximately 1600 ft. to include most of the meadow (see map below). This will add an additional 3.7 acres to the existing enclosure. Most of the materials will be recycled from the existing fence. A new enclosure (approx. 1.10 acres, 1400 ft. of fencing) will be constructed in the riparian meadow opposite Forest Service Road 3327. Ground disturbance consists primarily of digging holes for wood posts with a hand augur or small tracked augur and pounding in T-posts. The tracked augur will only be used when the ground is dry and hard. The work will be done by the permittee or a contractor.

Both enclosures will be grazed occasionally—for example, a few days in the fall—to improve forage plant health while keeping stubble height, utilization and streambank alteration to acceptable levels as described in the term permit and Annual Operating Plan. There will be no changes to designated access.

The south end of Nat Brown Meadow is under Idaho Department of Lands (IDL) ownership. IDL will be contacted to determine if they want to coordinate with the Forest Service and fence off their part of the meadow, which has the same issues.

Project Implementation: Work could begin in spring or summer 2017, and would take a few days to a week.

Design Criteria

The project includes design criteria for wildlife identified below (also see Conservation Measures, p. 3). The item is not all-inclusive, as Forest Plan standards are incorporated by reference (USDA Forest Service 1987, as amended).

- The bottom strand of fencing should be smooth wire, 14 inches from the ground.

II. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(9) *Implementation or modification of minor management practices to improve allotment condition or animal distribution when an allotment management plan is not yet in place.*

B. Finding No Extraordinary Circumstances

In compliance with 36 CFR 220.6, the following resource conditions were considered in determining whether extraordinary circumstances exist to the resource conditions that could result in significant effects to the environment. Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision.

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The Forest Interdisciplinary (ID) Team Botanist determined the project would have “no effect” to federally listed plant species and/or their habitats. The botanist also determined the proposed actions would have “no impact” on R1 Sensitive species or their habitats.

The ID Team Wildlife Biologist determined the project would have “no effect” to Canada lynx or North American wolverine or their habitats. A “may adversely impact individuals or habitat” determination was made for flammulated owl, pygmy nuthatch, fisher, fringed, long-eared and long-legged myotis, gray wolf, and Western (boreal) toad. Overall, the effects would be minor, of short duration, and would not result in a loss of species viability in the planning area, nor cause a trend towards federal listing or a loss of species viability range wide.

The ID Team Fish Biologist determined the proposed actions would have “no effect” on bull trout, and fall chinook salmon, federally threatened species, because the species and designated critical habitat do not occur within the project area. Steelhead occur within the project area, but the project would have beneficial effects on the species (see below).

The Nat Brown Fence project was reviewed by the Level 1 Team on August 8, 2016 and was found to be consistent with the 2015 Habitat Restoration Programmatic Biological Opinion (PCTS No. WCR-2014-832). NMFS subsequently approved the project under the programmatic (PCTS No. WCR-2016-5465). By following the conservation measures below, the project will be beneficial to steelhead and steelhead critical habitat:

Conservation Measures

- The Project is covered under the Programmatic through action category *1.3.5.7 Riparian Habitat*, sub-category *Livestock Restrictions*. The proposed action shall follow Conservation Measures and Best Management Practices (BMPs) related to the qualifying action category of the Programmatic as well as those general BMPs in Section 1.3.4 *General Conservation Measures* that apply.
- If using pressure-treated wood, please be aware of the pressure-treated wood restrictions under the programmatic. Specifically, pressure-treated wood should not be cut or drilled in riparian areas, and pressure-treated posts should not be used in areas in frequent contact with water.
- If fencing will be placed in or across the stream, it must allow for lateral stream movement and debris passage.
- Minimize vegetation removal, especially potential LWD recruitment sources, when constructing fence lines.
- Riparian fencing is not to be used to create livestock handling facilities.
- Monitoring and reporting are to be completed for the project in accordance with the Programmatic (section 2.8.3, 2, T&C Monitoring and Reporting; Appx. B, Post-Project Checklist) and submitted to the NMFS Boise, ID, office when appropriate.

The ID Team Fish Biologist also determined the proposed actions would have “no impact” on R1 Sensitive species or their habitats with the following exception: Brook Trout are present in Nat Brown Creek, but the project will have beneficial effects on the species and its habitat.

Based on the above assessment, no effects exist that will cause an incremental cumulative effect and no extraordinary circumstances were identified for these resources. For the complete analyses, see the Botany, Wildlife and Fishery Biological Assessments and Evaluations and specialists’ reports in the project record.

2. Floodplains, wetlands, or municipal watersheds.

No designated municipal watersheds exist in the project area, therefore no direct, indirect or cumulative significant adverse effects to wetlands or municipal watersheds are expected for this project. Although floodplains and wetlands exist within the project area, the effects to these resources would be the same as above. With the potential reduction/elimination of livestock trampling and foraging, riparian function within the exclosures will most likely improve. The proposed project is consistent with all applicable State and Federal water quality laws for water resources. The activities are also consistent with soil and water standards in the Clearwater National Forest Plan, including the PACFISH amendment.

Based on this analysis, no extraordinary circumstances were identified regarding the effects to water quality of streams within the area, downstream waters, or resources in floodplains, wetlands,

and municipal watersheds, thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 31.2.2.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.

The project area is not located within congressionally designated wilderness areas, wilderness study areas, or Wild and Scenic River corridors, therefore, no extraordinary circumstances were identified to these resources.

4. Inventoried roadless areas or potential wilderness areas.

The project is not located within any Nez Perce National Forest Plan FEIS Appendix C Roadless Areas, Idaho Roadless Areas (36 CFR 294 Subpart C), or potential wilderness areas, and therefore, no extraordinary circumstances were identified to these resources.

5. Research Natural Areas.

The project area does not include land designated as a Research Natural Area, and therefore, no extraordinary circumstances were identified to these resources.

6. American Indians and Alaska native religious or cultural sites.

An appropriate inventory has been conducted for the project and cultural resources are known to be located within the area of potential effects. The Forest Cultural Resource Specialist has made a preliminary determination that the project will have *no adverse effect* to these properties because:

- The cultural resources are not eligible for the National Register of Historic Places.

Concurrence from the Idaho SHPO on the above determination was received on May 19, 2017.

7. Archaeological sites, or historical properties or areas.

The Idaho State Historic Preservation Officer has determined that no historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources.

III. Interested and Affected Agencies, Organizations, and Persons Contacted

On May 27, 2016, a letter providing information and seeking public comment was mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce Tribe. Three letters were received regarding this project during the public comment period and are addressed in Appendix A. The original letters can be found in the project record.

IV. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that this project is consistent with applicable Federal laws and regulations.

National Forest Management Act and Nez Perce National Forest Plan: These actions are consistent with the Nez Perce National Forest Plan (USDA Forest Service 1987, as amended,) as required by the National Forest Management Act of 1976 because they follow the standards and guidelines contained in those plans.

National Historic Preservation Act: The Forest Cultural Resource Specialist has made a determination that the project will have *no adverse effect* to these properties because the cultural

resources are not eligible for the National Register of Historic Places. Therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.


American Indian Treaty Rights: The Nez Perce Tribal staff has had the opportunity to review the project for impacts to Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights. The Nez Perce Tribe did not identify any concerns.

V. Contact Person

Questions regarding this decision should be sent to Jeff Chynoweth, Small NEPA Team Coordinator, c/o Nez Perce–Clearwater Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536 or by telephone to (208) 935-4260 or FAX at (208) 935-4275 during business hours (M-F, excluding Federal holidays, 7:30 a.m. to 4:30 p.m., PST).

VI. Signature of Deciding Officer


STEFANI L. SPENCER
Palouse District Ranger


Date

cc: Katlyn Howisey

Enclosures (1): Map

Map of the Nat Brown Fencing Project

